



REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of a utility or plant application
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

| | |
|------------------------|---------------------------|
| Application Number | 09/035,596 |
| Filing Date | March 5, 2003 |
| First Named Inventor | Walter H. Gutzburg |
| Group Art Unit | 1633 |
| Examiner Name | S. Chen |
| Attorney Docket Number | 2316.1007-0007 (SF98-01A) |

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This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. ☐ Previously submitted

- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on [].
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on [].
- iii. ☐ Other -- [].

b. ☒ Enclosed

09/11/2002 SSITHIB1 00000045 09035596

- i. ☒ Amendment w/ Exhibits 1, 2, and 3
- ii. ☒ Amendment Fee Transmittal w/ copy
- iii. ☐ Information Disclosure Statement (IDS)

01 FC:179

740.00 OP

iv. ☒ Other -- Petition for Extension of Time w/ copy (4 month).

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of [] months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other -- [].

3. Fees

The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1.114 when the RCE is filed.

a. ☒ A check is enclosed for the following fees in the total amount of \$2,180.00 OR

☐ Authorization is granted to charge the following fees in the total amount of \$[] to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes

- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) - \$740.00
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) - \$1,440.00
- iii. ☐ Amendment Fee
- iv. ☐ Other -- [].

b. ☒ Authorization is hereby granted to charge any deficiency in fees or credit any overpayments to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

| | | | |
|-------------------|-----------------|-----------------------------------|-------------------|
| Name (Print/Type) | Anne J. Collins | Registration No. (Attorney/Agent) | 40,564 |
| Signature | Anne J. Collins | Date | September 5, 2002 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box RCE, P.O. Box 2327, Arlington, VA 22202, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

| | | | |
|-----------|-------------|------|-------------------|
| Signature | Julia Crump | Date | September 5, 2002 |
|-----------|-------------|------|-------------------|



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Walter H. Gunzburg, Robert M. Saller and Brian Salmons
Application No.: 09/035,596 Group: 1633
Filed: March 5, 1998 Examiner: S. Chen
For: The Use of the WAP or MMTV Regulatory Sequences for Targeted Expression of
Linked Heterologous Genes in Human Mammary Cells, Including Human Mammary
Carcinoma Cells

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| on <u>9.5.02</u> | <u>Jenine Crump</u> |
| Date | Signature |
| <u>Jenine Crump</u> | |
| Typed or printed name of person signing certificate | |

AMENDMENT

Assistant Commissioner for Patents
Box RCE
P.O. Box 2327
Arlington, VA 22202

Sir:

This Amendment is being filed in response to the Office Action mailed from the U.S.
Patent and Trademark Office on August 15, 2001 in the above-identified application.
Reconsideration and further examination are requested.

A Request For Continued Examination under 37 C.F.R. §1.114 is being filed in lieu of
filing a Brief on Appeal pursuant to the Notice of Appeal received by the U.S. Patent Office on
March 5, 2002. A four-month extension of time for filing a Brief on Appeal is respectfully
requested. A separate Petition for Extension of Time and the appropriate fees are being filed
concurrently.